

ORIGINAL

Ephraim

10/20/09

1 Daniel David Rigmaiden
 2 Aka: Steven Brawner (detainee booked as)
 3 Agency # 10966111
 CCA-CADC
 PO Box 6300
 Florence, AZ 85132
 Telephone: none

FILED

OCT 20 2009

5 Daniel David Rigmaiden
 Pro Se

 MOLLY C. DWYER, CLERK
 U.S. COURT OF APPEALS

RECEIVED
 MOLLY C. DWYER, CLERK
 U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS OCT 19 2009

FOR THE NINTH CIRCUIT

 FILED
 DOCKETED Oct 19 2009
 DATE INITIAL

In re Daniel David Rigmaiden,) Case No.: _____
 Petitioner,) (Supplied By Clerk)
 v.)
 1. United States District Court) PETITION FOR WRIT OF MANDAMUS
 For The District Of Arizona,) PURSUANT TO FED. R. APP. P.
 2. Roger Schroeder, Criminal) 21(c) AND 28 U.S.C. 1651
 Justice Act Administrator,)
 3. Criminal Justice Act Voucher)
 Review Unit,)
 Respondents.)

09-73336

Petitioner, Daniel David Rigmaiden (hereafter "Petitioner"), appearing in pro se, respectfully requests that this Court issue a writ of mandamus commanding the United States District Court for the District of Arizona, Phoenix (hereafter "District Court"), Roger Schroeder, Criminal Justice Act Administrator (hereafter "Schroeder"), and the Criminal Justice Act Voucher Review Unit (hereafter "CJA Voucher Review Unit"), (hereafter collectively "Respondents"), to provide Petitioner with the herein sought after relief.

I. JURISDICTION

1 This is a petition for writ of mandamus stemming from
2 Respondents' decision to refuse an administrative request and
3 judicial request directed at Respondents by Petitioner. This Court
4 has jurisdiction to decide this petition pursuant to Fed. R. App.
5 P. 21(c) and 28 U.S.C. 1651.

6 **II. ISSUES PRESENTED**

7 1. Whether Schroeder and the CJA Voucher Review Unit erred in
8 their decision to refuse Petitioner's request, made pursuant to
9 18 U.S.C. 3006A(d)(4)(A) et seq. and (e)(4), for copies of "payment
10 vouchers," for criminal case CR08-814-PHX-DGC in the United States
11 District Court for the District of Arizona, Phoenix.

12 2. Whether the District Court judiciary erred in their refusal
13 to assist Schroeder and the CJA Voucher Review Unit in completing
14 the redaction and generalization steps outlined in 18 U.S.C.
15 3006A(d)(4)(B) through (E).

16 3. Whether Respondents erred in not applying the plain language
17 of 18 U.S.C. 3006A(d)(4)(A) and (e)(4) including the "shall be made
18 available to the public" wording of those subsections.

19 4. Whether an administrative request, made to a Criminal
20 Justice Act administrative, or a judicial request, made to the
21 Court, is the proper avenue to obtain copies of "payment vouchers"
22 for any relevant criminal case.

23 **III. RELIEF SOUGHT**

24 Petitioner seeks a writ of mandamus commanding Respondents to
25 perform an administrative and judicial duty that Petitioner
26 believes Respondents are required to perform, i.e., comply with
27 Petitioner's request for copies of redacted/generalized or

1 unredacted/detailed "payment vouchers" pursuant to 18 U.S.C.
2 3006A(d)(4)(A) et seq. and (e)(4), for any requested District Court
3 case that can be classified under 18 U.S.C. 3006A et seq.
4 Currently, Petitioner only requests copies of all "payment
5 vouchers" for his personal criminal case (CR08-814-PHX-DGC),
6 however, Petitioner will soon make additional requests for copies
7 of "payment vouchers" in regards to multiple other cases.
8 Therefore, this petition is not filed to solely affect Petitioner's
9 personal criminal case proceedings. Petitioner rather files this
10 petition, pursuant to Fed. R. App. P. 21(c) and 28 U.S.C. 1651, to
11 obtain issuance of a writ that will have affect not only on
12 Petitioner's "payment voucher" requests pertaining to his personal
13 criminal case, but on all "payment voucher" requests made by
14 Petitioner pertaining to any District Court case that can be
15 classified under 18 U.S.C. 3006A et seq.

16 In summary, Petitioner wants Respondents to process all of
17 Petitioner's "payment voucher" requests in accordance with
18 18 U.S.C. 3006A et seq. and perform the necessary administrative
19 and judicial background tasks required to meet the provisions of
20 that statute.

21 Petitioner believes that an administrative request to obtain
22 copies of "payment vouchers" is appropriate, however, Petitioner
23 is ultimately unconcerned with which avenue of access he is
24 required to utilize, see section II(4), "Issues Presented," supra,
25 as long as the tasks required are not an impossibility or exercise
in futility. Petitioner wants Respondents to refrain from creating
impossible or futile prerequisite tasks that Petitioner must

1 complete in order to receive copies of "payment vouchers" that
2 shall be made available to the public.

3 **IV. THE FACTS NECESSARY TO UNDERSTAND THE ISSUES**

4 **A. Factual background.**

5 The facts outlined in this section pertain to Petitioner's
6 request for copies of "payment vouchers" pertaining to his personal
7 criminal case, pending in United States District Court for the
8 District of Arizona, Phoenix, having case number CR08-814-PHX-DGC.

9 On about March 19, 2009, Petitioner sent a letter to the Clerk
10 of the Court, United States District Court for the District of
11 Arizona, Phoenix, dated March 15, 2009. (Ex. [01] of Appendix Doc.
12 [01]) In that letter, Petitioner requested that the Clerk provide
13 him with information regarding the amounts paid to Petitioner's
14 previous attorney, Tom Crowe, for services rendered while Tom Crowe
15 represented Petitioner as a CJA panel appointed attorney. On about
16 April 3, 2009, Petitioner received a response letter from Schroeder
17 dated April 1, 2009. (Ex. [02] of Appendix Doc. [01]) In that
18 letter, Schroeder indicated that the Court would generally review
19 requests for copies of "payment vouchers" and that CJA guidelines
20 preclude payment of any voucher until a case has terminated. On
21 about April 23, 2009, Petitioner sent a letter to Schroeder dated
22 April 21, 2009. (Ex. [03] of Appendix Doc. [01]) In that letter,
23 Petitioner responded to Schroeder's misconceptions regarding the
24 CJA. On about June 9, 2009, Petitioner sent a letter to Schroeder
25 dated June 10, 2009. (Ex. [04] of Appendix Doc. [01]) In that
26 letter, Petitioner notified Schroeder that if he did not receive
27 a response to that letter and his April 21, 2009 letter then

1 Petitioner will assume that Schroeder is refusing to comply with
2 Petitioner's request. On about June 25, 2009, Petitioner received
3 a response letter from Schroeder dated June 24, 2009. (Ex. [05] of
4 Appendix Doc. [01]) The letter stated:

5 "I have been directed by Judge Campbell to inform you that
the information you seek regarding disclosure of vouchers
6 should be addressed to the Court, rather than the CJA
Voucher Review Unit. Please file a motion for the release
7 of payment information with the Court." Id.

8 On September 4, 2009, Petitioner complied with Respondents'
9 request and filed, in District Court, a "Motion To Request Copies
10 Of All Payment Vouchers And Other Payment Information For Services
11 Rendered Pursuant To The CJA" (hereafter "motion for vouchers").
12 (Appendix Doc. [01]) Petitioner did as instructed by Respondents,
13 however, he did so under protest considering Petitioner believes
14 that an administrative request is the proper avenue to obtain
15 copies of "payment vouchers." Petitioner made note of the futility
16 of filing the motion for vouchers in section II, "Argument," of
17 that very motion. Among other points, Petitioner noted that he is
18 represented by counsel, for his personal criminal case, and that it
19 is standard practice for the presiding judge to deny pro se motions
20 filed by represented defendants. Therefore, Petitioner
21 appropriately requested that the motion for vouchers be denied and
22 that the Court recognize that an administrative request is the
23 proper avenue to obtain copies of "payment vouchers." Petitioner
24 then used the motion for vouchers to request that the presiding
25 judge informally notify Schroeder et al. that Petitioner is
26 entitled to copies of "payment vouchers" and that Schroeder et al.
27 should put into motion the steps required to fulfill Petitioner's

1 request.

2 On September 28, 2009, Petitioner received a letter from his
3 current attorney, for his personal criminal case, containing the
4 following paragraph:

5 "While writing this letter the Court called. The Court will
6 not be considering your motion for copies of any ["payment
7 vouchers"]. The Court also reminded me that on June 26, 2009,
8 via document number 111 in this case, that it was ordered
that the Court will not consider any motions that are not
filed by your attorney and that you were directed to cease
and desist filing any pr[o] se motions." Id. (Appendix Doc.
[02])

9 Petitioner has made both administrative and judicial requests,
10 however, neither avenue has resulted in Petitioner being provided
11 with copies of the requested "payment vouchers." Petitioner's
12 administrative requests were denied and Petitioner's motion for
13 vouchers was not considered.

14 B. Analysis of 18 U.S.C. 3006A et seq.

15 Petitioner has written a detailed technical analysis of
16 18 U.S.C. 3006A et seq. and how the statute applies to requests for
17 copies of "payment vouchers" that shall be made available to the
18 public. Section II, "Analysis Of The Law," of Petitioner's motion
19 for vouchers, contains that analysis and it applies equally well
here. (Appendix Doc. [01]) Rather than rewrite the entire lengthy
21 analysis, which would be done nearly verbatim, Petitioner instead
22 incorporates Appendix Document [01], by reference, directly into
23 section IV(B) of this petition.

24 V. THE REASONS WHY THE WRIT SHOULD ISSUE

25 A. Original argument.

27 Petitioner has previously written a thorough argument as to

1 why Respondents erred in not providing Petitioner with the relief
2 sought in this petitioner. Section III, "Argument," of Petitioner's
3 motion for vouchers, contains that argument and it applies equally
4 well here. (Appendix Doc. [01]) Rather than rewrite the entire
5 lengthy argument, which would be done nearly verbatim, Petitioner
6 instead incorporates Appendix Document [01], by reference, directly
7 into section V of this petitioner.

8 B. Additional argument.

9 Petitioner believes that a request for copies of "payment
10 vouchers" should be an administrative request with any judicial
11 involvement occurring in the background and not involving Petitioner.
12 Just as the certification of attorney fees is an administrative
13 act, the providing of attorney fee information should be an
14 administrative act as well. "[The] nonadversarial procedures
15 established by the CJA convinces us that district judge's
16 certification of attorneys' fees is an administrative act..."

17 In re the Matter of Attorney's Fees and Expenses of Appointed
18 Counsel, 693 F.2d 925, 927 (9th Cir. 1982).

19 Petitioner has good reason to request copies of "payment
20 vouchers." "People in an open society do not demand infallibility
21 from their institutions, but it is difficult for them to accept
22 what they are prohibited from observing." Richmond Newspapers, Inc.
23 v. Virginia, 448 U.S. 555, 572 (1980). The Ninth Circuit has noted
24 that "[u]nder the first amendment, the press and the public have
25 a presumed right of access to court proceedings and documents."
26 Oregonian Pub. v. U.S. Dist. Court For Dist. Of Or., 920 F.2d 1462,
27 1465 (9th Cir. 1990). In a First Circuit case, a petitioner

1 challenged the Court's policy of leaving question of public access
2 to memoranda solely in the discretion of the judge. See In re
3 Providence Journal Co., Inc., 293 F.3d 1 (1st Cir. 2002). The Court
4 noted that "the public has a common-law right of access to judicial
5 documents." Id. at 9 (quoting Nixon v. Warner Communications, Inc.,
6 435 U.S. 589, 597 (1978)). The Court further noted that "the
7 public and the press enjoy a constitutional right of access to
8 criminal proceedings under the First and Fourteenth Amendments...
9 [that] extends to documents and kindred materials submitted in
10 connection with prosecution and defense of criminal proceedings."
11 Id. at 10 (citations and internal quotation marks omitted). Both
12 Petitioner's common law right and Constitutional rights have been
13 violated by Respondents. Petitioner's pending requests and future
14 requests for copies of "payment vouchers" should be fulfilled in
15 accordance with 18 U.S.C. 3006A et seq.

16 **VI. EXHAUSTION OF AVAILABLE REMEDIES**

17 Petitioner has exhausted all available remedies with respect to
18 his request for copies of "payment vouchers" pertaining to his
19 personal criminal case. The attached appendix will show that
20 Petitioner's administrative requests were denied and that
21 Petitioner's motion for vouchers was not considered.

22 **VII. NO OTHER ADEQUATE REMEDY AT LAW**

23 A mandamus action pursuant to 28 U.S.C. 1361, "Action to compel
24 an officer of the United States to perform his duty," filed at the
25 District Court level, is not an adequate remedy at law under the
26 circumstances. Petitioner has been denied access to copies of
27 "payment vouchers" in both the administrative context and judicial

1 context at the District Court level. Bringing a mandamus civil
2 action at the same district court where the issues originated would
3 be prejudicial to Petitioner. The issues presented may also not be
4 remedied through an appeal considering the nonadversarial nature of
5 the CJA procedures. See In re Matter of Attorney's Fees and
6 Expenses of Appointed Counsel, 693 F.2d 925 (9th Cir. 1982).

7 **VIII. PETITION IS PREPARED IN PRO SE**

8 Petitioner is appearing in pro se and has no formal legal
9 training whatsoever. The United States Supreme Court requires that
10 this Court hold Petitioner's petition "to less stringent standards
11 than formal pleadings drafted by lawyers." Haines v. Kerner, 404
12 U.S. 519, 520 (1972).

13 **IX. STATEMENT OF RELATED CASES**

14 This case has not been before this Court previously. Petitioner
15 is not aware of any related case or proceeding--completed, pending,
16 or anticipated--before this Court or any other court or agency,
17 state or federal.

18 **X. CONCLUSION**

19 For the reasons set forth herein, and in the attached appendix,
20 Petitioner respectfully requests that the United States Court of
21 Appeals for the Ninth Circuit grant this petition and issue a writ
22 of mandamus commanding Respondents to comply with the sought after
23 relief outlined in section III of this petition.

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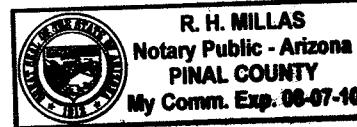
1 XI. SWORN AND SIGNED

2 I, Daniel David Rigmaiden, being first sworn under oath, state
3 that the information contained in the foregoing petition is true
4 and correct to the best of my knowledge and belief.

5
6 Daniel Rigmaiden
7 Signature of Petitioner

8 Subscribed and sworn to before me this 8th day of
9 October, 2009.

10 Notary Public



15 STATE OF ARIZONA }
16 COUNTY OF Pinal } ss.
17

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1 Respectfully submitted: October 13, 2009

2
3 DANIEL DAVID RIGMAIDEN
4 Pro Se

5 Daniel Rigmaiden
6 Daniel D. Rigmaiden
Petitioner

7

8

9 CERTIFICATE OF SERVICE

10 I hereby certify that on October 13, 2009 I caused
11 the following to be placed into the CCA-CADC mailing system for
12 United States Postal Service delivery:

13 Original attached document plus 4 copies addressed to:

14 Clerk, United States Court of Appeals
Ninth Circuit
15 PO Box 193939
San Francisco, CA 94119-3939

16 One copy of original document addressed to:

17 Clerk, United States District Court
18 Sandra Day O'Connor U.S. Courthouse, Suite 130
401 W. Washington St., SPC 1
19 Phoenix, AZ 85003

20 Roger Schroeder
United States District Court
21 Sandra Day O'Connor U.S. Courthouse, Suite 130
401 W. Washington St., SPC 1
22 Phoenix, AZ 85003

23 Criminal Justice Act Voucher Review Unit
United States District Court
24 Sandra Day O'Connor U.S. Courthouse, Suite 130
401 W. Washington St., SPC 1
25 Phoenix, AZ 85003

26 By: Daniel Rigmaiden

1 Daniel David Rigmaiden
2 Aka: Steven Brawner (detainee booked as)
3 Agency # 10966111
4 CCA-CADC
5 PO Box 6300
Florence, AZ 85132
Telephone: none

5 Daniel David Rigmaiden
Pro Se

6
7 UNITED STATES COURT OF APPEALS
8

FOR THE NINTH CIRCUIT

09-73336

In re Daniel David Rigmaiden,

Petitioner,

v.

1. United States District Court
For The District Of Arizona,

2. Roger Schroeder, Criminal
Justice Act Administrator,

3. Criminal Justice Act Voucher
Review Unit,

Respondents.

) Case No.:

) (Supplied By Clerk)

) MOTION FOR LEAVE TO PROCEED
PRO SE RE: PETITION FOR WRIT
OF MANDAMUS PURSUANT TO FED. R.
APP. P. 21(c) AND 28 U.S.C.
1651

Petitioner, Daniel David Rigmaiden (hereafter "Petitioner"), appearing in pro se, respectfully requests that this Court issue an order or letter granting him permission to proceed pro se. Petitioner is currently acting in de facto pro se. However, Petitioner requires an official court order or letter recognizing him as pro se in order for him to be granted sufficient access to legal materials, legal books, and typewriters at Corrections Corporation of America, Central Arizona Detention Center, the facility where he is incarcerated. Without pro se recognition from this Court, Petitioner may be denied sufficient access to the

1 resources needed to litigate his petition.

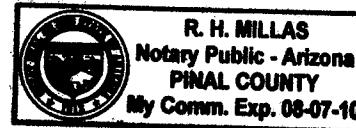
2 It is for the reasons set forth herein that Petitioner
3 respectfully requests that this motion be granted and that the
4 attached proposed order or letter be used to fulfill Petitioner's
5 request.

6 I, Daniel David Rigmaiden, being first sworn under oath, state
7 that the information contained in the foregoing motion is true
8 and correct to the best of my knowledge and belief.

9
10 Daniel Rigmaiden
11 Signature of Petitioner

12 Subscribed and sworn to before me this 8th day of
13 October, 2009.

14
15 Notary Public



16
17 My Commission Expires

18
19 STATE OF ARIZONA)
20 COUNTY OF Pinal) ss.
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1 Respectfully submitted: October 13, 2009

2
3 DANIEL DAVID RIGMAIDEN
4 Pro Se

5 Daniel Rigmaiden
6 Daniel D. Rigmaiden
7 Petitioner

8

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22 Phoenix, AZ 85003

23 Criminal Justice Act Voucher Review Unit
United States District Court
24 Sandra Day O'Connor U.S. Courthouse, Suite 130
401 W. Washington St., SPC 1
25 Phoenix, AZ 85003

26 By: Daniel Rigmaiden

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

In re Daniel David Rigmaiden, } Case No.: _____
Petitioner, } (Supplied By Clerk)
v. } ORDER
1. United States District Court }
For The District Of Arizona, }
2. Roger Schroeder, Criminal }
Justice Act Administrator, }
3. Criminal Justice Act Voucher }
Review Unit, }
Respondents. }

Upon motion of Petitioner, and good cause appearing, IT IS
HEREBY ORDERED that Petitioner is granted leave to proceed pro se.
IT IS HEREBY FURTHER ORDERED that this Court recognize Petitioner
as a pro se litigant.

Dated: _____, _____, _____

X

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]

///

Date: _____

Clerk, United States Court of Appeals
Ninth Circuit
PO Box 193939
San Francisco, CA 94119-3939

Daniel David Rigmaiden
Aka: Steven Brawner (detainee booked as)
Agency # 10966111
CCA-CADC
PO Box 6300
Florence, AZ 85132

Daniel:

The Court is in receipt of your "Petition For Writ Of Mandamus Pursuant To Fed. R. App. P. 21(c) And 28 U.S.C. 1651" that was filed with the Clerk. The Court recognizes that your petition was filed in pro se and that you are a pro se litigant.

Sincerely,

[]

1 Daniel David Rigmaiden
2 Aka: Steven Brawner (detainee booked as)
3 Agency # 10966111
4 CCA-CADC
5 PO Box 6300
6 Florence, AZ 85132
7 Telephone: none

FILED

OCT 20 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

5 Daniel David Rigmaiden
6 Pro Se

7 UNITED STATES COURT OF APPEALS

8 FOR THE NINTH CIRCUIT

09-73336

9 In re Daniel David Rigmaiden,

) Case No.:

10 Petitioner,

) (Supplied By Clerk)

11 v.

) MOTION FOR LEAVE TO PROCEED IN
12 FORMA PAUPERIS RE: PETITION
FOR WRIT OF MANDAMUS PURSUANT
TO FED. R. APP. P. 21(c) AND
28 U.S.C. 1651

13 1. United States District Court
14 For The District Of Arizona,

15 2. Roger Schroeder, Criminal
16 Justice Act Administrator,

17 3. Criminal Justice Act Voucher
Review Unit,

Respondents.

Petitioner, Daniel David Rigmaiden (hereafter "Petitioner"), appearing in pro se, respectfully requests that this Court allow him to proceed in forma pauperis in filing the above named petition. Attached is the "Affidavit Accompanying Motion For Permission To Petition The Court In Forma Pauperis," the "Certificate Of Correctional Official As To Status Of Petitioner's Trust Account," and the "certified account statement" in support of this motion.

It is for the reasons set forth herein and in the attached documents that Petitioner respectfully requests that this motion

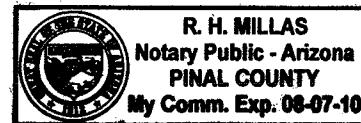
1 be granted.

2 I, Daniel David Rigmaiden, being first sworn under oath, state
3 that the information contained in the foregoing motion is true
4 and correct to the best of my knowledge and belief.
5

6 Daniel Rigmaiden
7 Signature of Petitioner

8 Subscribed and sworn to before me this 8th day of
9 October, 2009.

10 Notary Public



11 My Commission Expires

12 STATE OF ARIZONA }
13 COUNTY OF Pinal } ss.
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1 Respectfully submitted: October 13, 2009

2
3 DANIEL DAVID RIGMAIDEN
4 Pro Se

5 Daniel Rigmaiden
6 Daniel D. Rigmaiden
Petitioner

7

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22 Phoenix, AZ 85003

23 Criminal Justice Act Voucher Review Unit
United States District Court
24 Sandra Day O'Connor U.S. Courthouse, Suite 130
401 W. Washington St., SPC 1
25 Phoenix, AZ 85003

26 By: Daniel Rigmaiden

1 AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO
2 PETITION THE COURT IN FORMA PAUPERIS

3 I declare under penalty of perjury that, because of my poverty,
4 I cannot prepay the docket fees of my petition or post a bond for
5 them. I believe I am entitled to redress. The issues presented in
6 my petition pertain to Respondents' refusal to provide me with
7 copies of criminal case "payment vouchers" for services rendered
8 by individuals hired pursuant to the Criminal Justice Act. I
9 believe I am entitled to copies of "payment vouchers" pursuant to
10 18 U.S.C. 3006A et seq. wherein the law states that "payment
11 vouchers" shall be made available to the public.

12 I am an unmarried 29 year old person with a 12th grade
13 education who has been incarcerated since August 3, 2008. I have
14 received \$ 27.00 total within the last 12 months. I currently
15 have \$ 0.08 in cash. I currently have no assets. I am not owed
16 any money by any person, business, or organization. No one relies
17 on me for financial support. I have no monthly expenses. I do not
18 expect any major changes to my monthly income or expenses or in my
19 assets or liabilities during the next 12 months. I have not and
20 will not pay any attorney, or any other individual, any money for
21 services in connection with this petition.

22 I, Daniel David Rigmaiden, being first sworn under oath,
23 declare under penalty of perjury under United States laws that the
24 information contained in the foregoing affidavit is true and
25 correct to the best of my knowledge and belief.

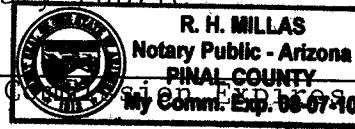
26 (28 U.S.C. 1746; 18 U.S.C. 1621.)

27 [Notarized signature provided on page # 2.]

1
2
3
Daniel Legmaiden
Signature of Affiant

4 Subscribed and sworn to before me this 8th day of
5 October, 2009.

6 Notary Public



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10 STATE OF ARIZONA)
COUNTY OF Pinal) ss.
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CERTIFICATE OF CORRECTIONAL OFFICIAL AS TO
STATUS OF PETITIONER'S TRUST ACCOUNT

I, DONALD W. SWARTZ, a correctional official of the
below named institution, certify that as of this date: 10/08/09

5 1) The petitioner's trust account balance at this institution
6 is \$.08.

7 2) The petitioner's average monthly deposits during the prior
8 12 months is \$2.25 .

9 3) The petitioner's average monthly balance during the prior
10 12 months is \$ 14.

11 The attached certified account statement accurately reflects
12 the status of the petitioner's account. A

John W. Swartz
Authorized Signature

Authorized Signature

Accountant

Title/ID Number

CADOC

Institution

10/8/09

Date

11

11

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111

File Maintenance Batch Processing Accounting Inmate Inventory Medical Reports Help

Alerts:

Name	BRAWNER, STEVEN	Agency ID#	CCA #	Unit	500		Blocking
		10966111	1212093	Pod	Y		Account
Agency	USMS - PHOENIX	Admit Date	Rel. Date	Cell	208		Alias
ICAS	Admit Type	DE	09/25/2008	00/00/0000	Bed	3	Billing Agency
<input checked="" type="checkbox"/> Include Printout Receipts	<input checked="" type="checkbox"/> Human Receipts	<input checked="" type="checkbox"/> DCDC Cost Recovery	<input checked="" type="checkbox"/> Recipient Directed	<input checked="" type="checkbox"/> Include Officer Signature			Batch Priority
02/16/2009 08:24	CO	2	-76	COMMISSARY SUMMARY POSTING	11160947		Commisary List
02/12/2009 08:59	CO	2	-3.67	COMMISSARY SUMMARY POSTING	10993250		Commissary
01/26/2009 08:34	CO	2	-15.97	COMMISSARY SUMMARY POSTING	10932222		Ctgry Unit
01/21/2009 19:35	01/20/2009 21:35 AM	1	20.00		10537082		Detainers
01/13/2009 10:59	CO	2	-0.03	COMMISSARY SUMMARY POSTING	1081123B		Housing
12/22/2008 13:58	CO	2	-13	COMMISSARY SUMMARY POSTING	10597907		Mail Log
12/16/2008 12:40	CO	2	-13.94	COMMISSARY SUMMARY POSTING	10533201		QTY Restrict
11/26/2008 16:11	JN	1	-7.00		10328427	OTHER	Release
11/18/2008 07:41	CO	2	-2.75	COMMISSARY SUMMARY POSTING	10240564		\$Rstrctions
10/30/2008 10:42	CRV	2	-23	COMMISSARY SUMMARY REVERSAL	10046369		Social
10/27/2008 07:51	CO	2	-4.33	COMMISSARY SUMMARY POSTING	10007066		Status
10/15/2008 06:07	CO	2	-3.49	COMMISSARY SUMMARY POSTING	9897914		Transaction
10/07/2008 10:43	CO	2	-11.98	COMMISSARY SUMMARY POSTING	9807399		HXTrels
10/01/2008 10:28	09/30/2008 20:04 CK	1	29.42	INTAKE	9730030	INTAKE	Visitors

Current Account Balance: \$0.08

Cost Recovery Balance: \$0.00

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Ready

Server Agent



Print ...



APPENDIX

PETITION FOR WRIT OF MANDAMUS

Daniel David Rigmaiden, Petitioner

v.

United States District Court
For The District Of Arizona,

Roger Schroeder, Criminal
Justice Act Administrator,

Criminal Justice Act Voucher
Review Unit,

Respondents.

DOCUMENT [01]

1 **Daniel Rigmaiden**
2 Aka: Steven Brawner #10966111
3 CCA-CADC
4 PO Box 6300
5 Florence, AZ 85232
6 Telephone: none
7 Email: none

8 Daniel David Rigmaiden
9 Defendant as Defendant

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF ARIZONA

12 United States of America,

13 Plaintiff,

v.

14 Daniel David Rigmaiden,

15 Defendant.

16 No. CR08-814-PHX-DGC

17 MOTION TO REQUEST COPIES OF ALL
18 PAYMENT VOUCHERS AND OTHER
19 PAYMENT INFORMATION FOR SERVICES
20 RENDERED PURSUANT TO THE CJA

21 Defendant, Daniel David Rigmaiden, appearing as defendant,
22 requests that this court provide to the individual acting as the
23 defendant in the above captioned action, i.e., Daniel David
24 Rigmaiden, all past, present and future payment vouchers and other
25 documents pertaining to the amounts paid for all services rendered
(hereafter "payment information") by all individuals hired
pursuant to the Criminal Justice Act ("CJA") for criminal case
CR08-814-PHX-DGC. These individuals shall include but not be
limited to attorneys, investigators, experts and other individuals
offering services for the defense, e.g., Tom Crowe, Mark Paige,
Lonnie Dworken, Laurianne Litzau, Joy Bertrand and others. This
motion is being made pursuant to Roger A. Schroeder's
("Schroeder") June 24, 2009 letter sent to Daniel David Rigmaiden
wherein Schroeder indicated that this motion should be filed.

1 Schroeder was unclear on whether he instructed Daniel David
2 Rigmaiden in his official capacity, as the currently represented
3 defendant for the above captioned action, or if he instructed
4 Daniel David Rigmaiden in his personal capacity, as a member of the
5 public unrelated to the above captioned action.

6 This motion is filed by Daniel David Rigmaiden ("defendant"),
7 in his above noted official capacity, requesting that the payment
8 information be provided to Daniel David Rigmaiden ("Rigmaiden"), in
9 his above noted personal capacity. This motion is filed under
10 protest considering relevant statutory law requires no such filing
11 either expressly or implicitly and such a filing goes against the
12 canons of statutory construction when considering the intended
13 purpose of Congress to make the requested payment information
14 available to the public.

15 I. HISTORY

16 On about March 19, 2009, Rigmaiden sent a letter to the Clerk
17 of the Court, United States District Court in Phoenix, dated March
18 15, 2009. (Ex. [01]) In that letter, Rigmaiden requested that the
19 Clerk provide him with information regarding the amounts paid to
20 the defendant's previous attorney, Tom Crowe, for services
21 rendered while Tom Crowe represented the defendant as a CJA panel
22 appointed attorney. On about April 3, 2009, Rigmaiden received a
23 response letter from Schroeder dated April 1, 2009. (Ex. [02])
24 In that letter, Schroeder indicated that the Court would generally
25 review requests for the requested payment information and that CJA
26 guidelines preclude payment of any voucher until a case has
27 terminated. On about April 23, 2009, Rigmaiden sent a letter to

1 Schroeder dated April 21, 2009. (Ex. [03]) In that letter,
2 Rigmaiden responded to Schroeder's misconceptions regarding the CJA.
3 On about June 9, 2009, Rigmaiden sent a letter to Schroeder dated
4 June 10, 2009. (Ex. [04]) In that letter, Rigmaiden notified
5 Schroeder that if he did not receive a response to that letter and
6 his April 21, 2009 letter then Rigmaiden will assume that Schroeder
7 is refusing to comply with Rigmaiden's request. On about June 25,
8 2009, Rigmaiden received a response letter from Schroeder dated
9 June 24, 2009. (Ex. [05]) The letter stated:

10 "I have been directed by Judge Campbell to inform you that
11 the information you seek regarding disclosure of vouchers
12 should be addressed to the Court, rather than the CJA
Voucher Review Unit. Please file a motion for the release
of payment information with the Court." Id.

13 This motion follows.

14 **II. ANALYSIS OF THE LAW**

15 Any person charged with a federal crime in the District of
16 Arizona who is financially unable to obtain adequate representation
17 is entitled to Court funded/appointed counsel and other services.
18 See Fed. R. Crim. P. 44; 18 U.S.C. 3006; 18 U.S.C. 3006A et seq.
19 The District of Arizona implements 18 U.S.C. 3006A(a)(3) and (b),
20 and 18 U.S.C. 3006A(e)(1) stating in relevant part:

21 "[(a)(3)] Private attorneys shall be appointed in a
22 substantial proportion of the cases.... [(b)] ... Counsel
furnishing representation under the plan shall be selected
23 from a panel of attorneys designated or approved by the
Court... [(e)(1)] ... Counsel for a person who is
24 financially unable to obtain investigative, expert, or
other services necessary for adequate representation may
request them..." Id.

25 When faced with a pauper, the District of Arizona hires approved
26 attorneys and other approved services through the "CJA panel" so
27

1 that the pauper may be adequately represented.

2 The controlling authority with respect to making public the
3 records and information pertaining to the amounts paid for attorney
4 services and other services rendered by individuals hired through
5 the CJA panel is 18 U.S.C. 3006A(d)(4)(A) and (e)(4):

6 "**[(d)(4) Disclosure of fees.-- [(d)(4)(A)] In general.--**
7 Subject to subparagraphs (B) through (E), the amounts paid
8 under this subsection for services in any case shall be
9 made available to the public by the court upon the court's
10 approval of the payment. **[(e)] Services other than**
11 **counsel.-- [(e)(4)] Disclosure of fees.--** The amounts paid
12 under this subsection for services in any case shall be
13 made available to the public." Id. (emphasis added).

14 The noted "subparagraphs (B) through (E)" outline procedures that
15 the Court must follow to prepare the payment information for
16 disclosure to the public. The procedures cover two specific
17 scenarios: (1) Pre-trial or trial in progress; and (2) Trial
18 completed. Subparagraph (B), i.e., 18 U.S.C. 3006A(d)(4)(B), states:

19 "**Pre-trial or trial in progress.--**If a trial is in pre-trial
20 status or still in progress and after considering the
21 defendant's interests as set forth in subparagraph (D), the
22 court shall--

23 (i) redact any detailed information on the payment
24 voucher provided by defense counsel to justify the
25 expenses to the court; and
26 (ii) make public only the amounts approved for payment
27 to defense counsel by dividing those amounts into the
28 following categories:

29 (I) Arraignment and or plea.
30 (II) Bail and detention hearings.
31 (III) Motions.
32 (IV) Hearings.
33 (V) Interviews and conferences.
34 (VI) Obtaining and reviewing records.
35 (VII) Legal research and brief writing.
36 (VIII) Travel time.
37 (IX) Investigative work.
38 (X) Experts.
39 (XI) Trial and appeals.
40 (XII) Other.

41 " Id.

1 Under a "Pre-trial or trial in progress" scenario, and before
2 payment information is made available to the public, the Court must
3 redact any detailed information that may compromise a defendant's
4 interests as set forth in subparagraph (D) and then divide the
5 amounts paid into generic categories as listed in (I) through (XII)
6 above. Subparagraph (C), i.e., 18 U.S.C. 3006A(d)(4)(C), states:

7 **"Trial completed.--**

8 (i) **In general.**--If a request for payment is not
9 submitted until after the completion of the trial and
10 subject to consideration of the defendant's interests as
11 set forth in subparagraph (D), the court shall make
12 available to the public an unredacted copy of the expense
13 voucher.

14 (ii) **Protection of the rights of the defendant.**--If the
15 court determines that defendant's interests as set forth
16 in subparagraph (D) require a limited disclosure, the
17 court shall disclose amounts as provided in subparagraph
18 (B).

19 " Id.

20 Under a "Trial completed" scenario, and before payment information
21 is made available to the public, the Court must determine if a
22 defendant's interests, as set forth in subparagraph (D), will be
23 compromised if unredacted payment information is disclosed to the
24 public. The Court must disclose redacted generalized payment
25 information, as provided in subparagraph (B), if the Court
26 determines that a defendant's interests will be compromised.
27 Otherwise, the Court must make available to the public unredacted
28 detailed payment information. Subparagraph (E), i.e., 18 U.S.C.
29 3006A(d)(4)(E), states in relevant part:

30 ".... If there is an appeal, the court shall not release
31 unredacted copies of the vouchers provided by defense
32 counsel to justify the expenses to the court until such
33 time as the appeals process is completed, unless the court
34 determines that none of the defendant's interests set forth
35 in subparagraph (D) will be compromised." Id.

1 Under a "Trial completed" scenario with a pending appeal, and before
2 payment information is made available to the public, the Court
3 should essentially follow the same procedures outlined in 18 U.S.C.
4 (d)(4)(C).

5 The subparagraph (D) "defendant's interests" referred to in 18
6 U.S.C. 3006A(d)(4)(B), (C) and (E) are listed in 18 U.S.C.
7 3006A(d)(4)(D):

8 **"Considerations.--**The interests referred to in subparagraphs
9 (B) and (C) are--
10 (i) to protect any person's 5th amendment right against
self-incrimination;
11 (ii) to protect the defendants 6th amendment rights to
effective assistance of counsel;
12 (iii) the defendant's attorney-client privilege;
13 (iv) the work product privilege of the defendant's
counsel;
14 (v) the safety of any person; and
15 (vi) any other interest that justice may require, except
that the amount of the fees shall not be considered a
reason justifying any limited disclosure under section
3006A(d)(4) of title 18, United States Code.

" Id.

16 Disclosure procedures for payment information regarding
17 services other than attorney services, 18 U.S.C. 3006A(e)(4), are
18 not specified other than that amounts paid "shall be made available
19 to the public." Id.

20 According to the law, specific procedures shall be followed by
21 District of Arizona to determine if unredacted/detailed or if
22 redacted/generalized payment information shall be made available to
23 the public. According to the law, payment information shall be
24 made available to the public, in at least redacted/generalized
25 form, upon court approval of any payment voucher. According to the
26 law, the District of Arizona is required to make available to the
27 public unredacted/detailed payment information after a trial has

1 completed if such disclosure does not compromise a defendant's
2 interests.

3 **III. ARGUMENT**

4 Rigmaiden wishes to obtain all payment information with respect
5 to the services rendered by individuals hired pursuant to the CJA
6 for the above captioned action. The law makes it clear that the
7 requested payment information shall be made available to the public
8 upon the Court's approval of the amounts to be paid. What is less
9 clear is the procedures that a member of the public must follow in
10 order to obtain the requested payment information. Rigmaiden, a
11 member of the public, has made repeated administrative requests for
12 the payment information, however, it has not been provided.

13 According to Schroeder, the Honorable David G. Campbell ("Judge
14 Campbell") indicated that the request for the payment information
15 should be directed to the Court via motion and not to the CJA
16 Voucher Review Unit. (**Ex. [05]**) The defendant has found no express
17 statutory requirement or precedential interpretative ruling
18 indicating that this very motion is a prerequisite to obtaining the
19 requested payment information. Therefore, the Court "must adhere to
20 the canons of statutory construction and read the provisions of the
21 various statutes implicated in a manner that (1) applies the plain
22 language of the legislation and gives effect to each and every
23 provision, (2) is most warranted by the legislative history and
24 other indicia of Congressional intent, and (3) avoids a
25 Constitutional invalidation of portions of the legislation." In Re
26 U.S. For Order Dir. A Prov. Of Elec. Commun. 534 F.Supp.2d 585, 587
27 (W.D.Pa. 2008).

1 Making a motion to the Court to obtain the requested payment
2 information is counterproductive and goes against the plain language
3 of the statute, i.e., "shall be made available to the public."
4 Absent help from someone with a law degree who has years of
5 experience writing successful briefs, making a motion such as this
6 would be a near impossibility for a member of the public. There is
7 nothing in the plain language of the legislation, legislative
8 history or other indicia of Congressional intent indicating that the
9 requested payment information shall be made available to those who
10 possess the skills to write motions or to those who can afford
11 attorneys to write motions on their behalf. When seeking payment
12 vouchers on a specific case, it is not Congressional intent that a
13 member of the public file a pro se motion under that specific case
14 number, even if not party to the action and even if the case is
15 months concluded, and then wait for a judge to make a ruling. For
16 the present situation, Rigmaiden is party to the action and the
17 case is still pending, however, this motion will likely be denied
18 considering Rigmaiden, as the defendant, is represented by counsel.
19 Denying a pro se motion while a defendant is represented by counsel
20 is standard practice in Judge Campbell's courtroom. For the present
21 situation, if Rigmaiden cannot convince his attorney to file a
22 motion for the requested payment information then the plain language
23 of the legislation will never be applied, i.e., "shall be made
24 available to the public." "The plain meaning of the words chosen by
25 Congress is controlling in the absence of a clearly expressed
26 legislative intent." *Vance v. Hegstrom*, 793 F.2d 1018, 1023
27 (9th Cir. 1986); See also *TVA v. Hill*, 437 U.S. 153, 187 n. 33

1 (1978). Under any scenario, Congress clearly did not intend for a
2 member of the public to file a motion in order to obtain copies of
3 payment vouchers that shall be made available to the public.

4 There is other indicia showing that the District of Arizona is
5 going against Congressional intent when it makes the requested
6 payment information not readily available to the public. The
7 concept of making the requested payment information public is
8 deeply rooted in the United States Constitution. "In all criminal
9 prosecutions, the accused shall enjoy the right to a speedy and
10 **public trial...**" U.S. Const. Amend. 6 (emphasis added). "The
11 accused is entitled to a public trial so that the public may see he
12 is fairly dealt with and not unjustly condemned, and that the
13 presence of interested spectators may **keep his triers keenly alive**
14 **to a sense of their responsibility and to the importance of their**
15 **functions.**" Cosentino v. Kelly, 102 F.3d 71, 73 (2nd Cir. 1996)
16 (emphasis added) (internal citations and quotation marks omitted).
17 "Openness in court proceedings may... cause all trial participants
18 to perform their duties more conscientiously, and generally give
19 the public an opportunity to observe the judicial system." U.S v.
20 Sherlock, 962 F.2d 1349, 1356 (9th Cir. 1989) (internal citations
21 omitted). "It discourages perjury and ensures that judges, lawyers
22 and witnesses carry out their respective functions responsibly." Id.
23 (internal citations and quotation marks omitted). Making the
24 requested payment information public ensures that individuals
25 hired pursuant to the CJA, and those that approve payment vouchers,
26 carry out their respective functions responsibly. Other than
27 holding individuals accountable, there is nearly no other

1 conceivable reason why Congress intended to make the requested
2 payment information available to the public. Other indicia shows
3 that Congress is concerned about abuse of the payment voucher
4 system:

5 "Any attorney or other person admitted to conduct cases in
6 any court of the United States or any Territory thereof who
7 so multiplies the proceedings in any case unreasonably and
vexatiously may be required by the court to satisfy
personally the excess costs, expenses, and attorneys' fees
reasonably incurred because of such conduct." 28 U.S.C. 1927.

8 A CJA panel attorney who "multiplies proceedings" solely for the
9 purpose of increasing his billings may be liable for his own
10 attorney fees under 28 U.S.C. 1927. Congress has also enacted
11 legislation that provides methods for the public to use to compel
12 an officer or employee of the United States, e.g., CJA panel
13 administrators, to perform their duties, e.g., provide payment
14 vouchers to members of the public:

15 "The district courts shall have original jurisdiction of
16 any action in the nature of mandamus to compel an officer
or employee of the United States or any agency thereof to
17 perform a duty owed to the plaintiff." 28 U.S.C. 1361.

18 Requiring Rigmaiden to complete impossible tasks, i.e., filing
19 an unnecessary motion that will never be granted, is in violation
20 of 18 U.S.C. 3006A et seq. when applying the canons of statutory
21 construction. The procedure should be an administrative request,
22 which has already been made, and not a motion to the Court.

23 **IV. CONCLUSION**

24 It is for the facts, points and authorities setforth herein
25 that the defendant respectfully requests that this motion be denied.
26 This motion is unnecessary. The defendant informally requests that
27 Judge Campbell informally notify Schroeder et al. (similar to the

1 informal notification that resulted in this motion) that Daniel
2 David Rigmaiden, in his personal capacity, is immediately entitled
3 to the requested payment information pursuant to 18 U.S.C.
4 3006A(d)(4)(A) and (e)(4), and that Schroeder et al. should put
5 into motion the steps required to comply with the full scope of 18
6 U.S.C. 3006A et seq. and fulfill Rigmaiden's pending request.

7 LRCrim 12.2 requires the undersigned to include the following
8 in all motions: "Excludable delay under 18 U.S.C. 3161(h) will
9 occur as a result of this motion or of an order based thereon."
10 However, the defendant posits that this motion will not cause any
11 "delay" and objects to any delay as a result of this motion or of
12 an order based thereon.

13 ///

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27 ///

1 Respectfully submitted: September 4, 2009

2
3 DANIEL DAVID RIGMAIDEN
4 Defendant as Defendant

5
6 Daniel Rigmaiden
7 Daniel D. Rigmaiden
8 Defendant

9 CERTIFICATE OF SERVICE

10 I hereby certify that on September 4, 2009 I caused the
11 following to be placed into the CCA-CADC mailing system for United
12 States Postal Service delivery:

13 Original attached document plus 1 copy(s) addressed to:

14 Clerk, United States District Court
15 Sandra Day O'Connor U.S. Courthouse, Suite 130
16 401 W. Washington St., SPC 1
17 Phoenix, AZ 85003

18 One copy each of original document addressed to:

19 Frederick A. Battista

20 Assistant U.S. Attorney

21 40 N. Central Ave., Suite 1200

22 Phoenix, AZ 85004

23 Philip Seplow

24 2000 North 7th St.

25 Phoenix, AZ 85006

26 By: Daniel Rigmaiden

EXHIBIT [01]
United States v. Rigmaiden
08CR814

March 15, 2009
Daniel Rigmaiden
RE: CR08-814-PHX-DGC
Page # 1 of 3

Daniel Rigmaiden
Aka: Steven Brawner
Agency # 10966111
CCA-CADC
PO Box 6300
Florence, AZ 85232

Clerk of the Court
U.S. District Court
401 W. Washington St. SPC-1
Phoenix, AZ 85003

Clerk of the Court:

I am currently being held at the Corrections Corporation of America, Central Arizona Detention Center (CCA-CADC) as a federal pretrial detainee. My agency number is 10966111 and I am booked under the name "Steven Brawner". I am currently facing federal charges under my true name, Daniel David Rigmaiden. My federal case number is CR08-814-PHX-DGC.

On October 11, 2008, pursuant to a Court order, I was assigned the CJA panel attorney, Thomas Crowe. The order was then made effective on September 30, 2008 nunc pro tunc. On February 25, 2009, pursuant to a Court order, Thomas Crowe was removed as my attorney. This order was made effective on February 27, 2009.

Pursuant to 18 U.S.C. 3006A(d)(4)(A) and the Freedom of Information Act, I request that the Court provide me with a full disclosure of the amounts paid for services rendered by my previous attorney, Thomas Crowe. 18 U.S.C. 3006A(d)(4)(A) states in part:

"...the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court's approval of the payment."

If a full disclosure is not permitted at this time then I request a limited disclosure.

Thomas Crowe's full information is as follows:

[See page # 2]

March 15, 2009
Daniel Rigmaiden
RE: CR08-814-PHX-DGC
Page # 2 of 3

Crowe & Scott, P.A.
Thomas N. Crowe, Esq. (#002180)
1100 E. Washington St. Suite 200
Phoenix, AZ 85034-1090

Telephone: (602) 252-2570
Facsimile: (602) 252-1939
Email: tom@crowescott.com

I appreciate your assistance with the matter outlined in this letter. I look forward to receiving a response.

March 15, 2009
Daniel Rigmaiden
RE: CR08-814-PHX-DGC
Page # 3 of 3

Sincerely,

Daniel Rigmaiden

Daniel Rigmaiden
Author

State of ARIZONA }
County of PINAL } ss. ACKNOWLEDGMENT
On this 19th day of MARCH, 2009, before
me, the undersigned Notary Public, personally appeared,
DANIEL RIGMAIDEN

to me known to be the individual described in and who executed
the foregoing instrument and acknowledged that he executed the
same for the purposes therein contained.

My Commission Expires:

4/11/13
Notary Public

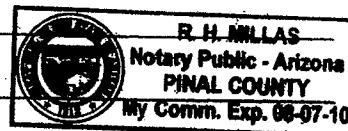


EXHIBIT [02]
United States v. Rigmaiden
08CR814

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
OFFICE OF THE CLERK

RICHARD H. WEARE

DISTRICT COURT EXECUTIVE / CLERK OF COURT
SANDRA DAY O'CONNOR U. S. COURTHOUSE,
SUITE 130
401 WEST WASHINGTON STREET, SPC 1
PHOENIX, ARIZONA 85003-2118

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SUITE 130
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PHOENIX, ARIZONA 85003-2118

MICHAEL S. O'BRIEN

CHIEF DEPUTY CLERK
EVO A. DECONCINI U.S. COURTHOUSE
405 W. CONGRESS, SUITE 1500
TUCSON, ARIZONA 85701-5010

April 1, 2009

Daniel Rigmaiden
AKA Steven Brawner
Agency # 10966111
CCA-CADC
P. O. Box 6300
Florence, AZ 85003

Re: Request for payment information in USA v. Rigmaiden, CR 08-814 PHX DGC

Dear Mr. Rigmaiden:

Neither the Freedom of Information Act (5 U.S.C. §552) nor the Privacy Act (5 U.S.C. §552a) applies to the Judiciary and neither is applicable to requests for release to the public of records and information pertaining to activities under the Criminal Justice Act (CJA) and related statutes. Despite this fact, the Court will generally review such requests and make a determination as to whether or not disclosure, or limited disclosure, is appropriate.

CJA guidelines preclude payment of any voucher until a case has terminated. The case for which you request information remains pending and no vouchers have been submitted by any attorney. You may resubmit your request for the Court's consideration at the conclusion of the case. Please note that attorneys typically are allowed up to 45 days in which to submit their vouchers.

Sincerely,



Roger A. Schroeder
CJA Administrator

EXHIBIT [03]
United States v. Rigmaiden
08CR814

April 21, 2009
Daniel Rigmaiden
RE: CR08-814-PHX-DGC
Page # 1 of 3

Daniel Rigmaiden
Aka: Steven Brawner
Agency # 10966111
CCA-CADC
PO Box 6300
Florence, AZ 85232

Clerk, U.S. District Court
Attention: Roger A. Schroeder, CJA Administrator
401 W. Washington St., SPC-1
Phoenix, AZ 85003

Roger A. Schroeder:

I am writing you this letter to provide information, according to my understanding of the law, with respect to the Criminal Justice Act (CJA) and 18 U.S.C. 3006A. First, I thank-you for informing me of the fact that the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a) do not apply to the Judiciary. Detainees at CCA-CADC are not provided with access to Title 5, among many other missing resources, nor are we provided with assistance from individuals adequately trained in law. CCA-CADC in no way meets its legal obligation pursuant to applicable case law, e.g., Lewis v. Casey, 116 S.Ct. 2174 (1996). Furthermore, as I am sure you are aware considering your position as a CJA Administrator, CJA panel attorneys refuse to assist clients in any matter that even slightly out steps the bounds of what they perceive to be their role in representation.

As noted previously in my letter dated March 15, 2009, the controlling authority with respect to making public the records and information pertaining to the amounts paid for services rendered by CJA panel attorneys is 18 U.S.C. 3006A et seq. In your April 1, 2009 letter you state, "the Court will generally review such requests...". However, pursuant to 18 U.S.C. 3006A(d)(4)(A), the Court is not only obligated to review such requests but **shall** provide either a full disclosure or partial disclosure after applying subparagraphs (B) through (E). With respect to partial disclosure, the Court is to follow the redaction instructions outlined in 18 U.S.C. 3006A(d)(4)(B)(i) and (ii) after applying 18 U.S.C. 3006A(d)(4)(B) through (E).

In your April 1, 2009 letter you state, "CJA guidelines preclude payment of any voucher until a case has terminated". However, pursuant to 18 U.S.C. 3006A(d)(4)(B) titled "Pre-trial or trial in progress", for cases in pre-trial status such as mine, the Court is to first apply 18 U.S.C. 3006A(d)(4)(D) and then follow the redaction instructions outlined in 18 U.S.C. 3006A(d)(4)(B)(i) and (ii). The authors of 18 U.S.C. 3006A et seq.

April 21, 2009
Daniel Rigmaiden
RE: CR08-814-PHX-DGC
Page # 2 of 3

would not have included a provision covering "Pre-trial or trial in progress", with respect to disclosure of payment information, if CJA guidelines preclude payment of any voucher until a case has terminated. I believe your position on the matter may change if you review the above noted statutes.

Specifically with my case, I am being subjected to a violation of my right to speedy trial under the 6th Amendment and pursuant to Barker v. Wingo. I expect, and have been informed, that my case will take years to conclude. Attorneys, investigators, experts and other individuals offering services are not expected to wait years, in cases such as mine, before receiving payment for services rendered. As you stated in your April 1, 2009 letter, no vouchers have been submitted for my case. I expect that vouchers will be submitted soon.

This letter shall serve as notice that I am requesting of you copies of all vouchers and other documents, as they become available, pertaining to the amounts paid for all services rendered by all individuals hired pursuant to the CJA for criminal case CR08-814-PHX-DGC. These individuals shall include attorneys, investigators, experts and other individuals offering services for the defense, e.g., Tom Crowe, Mark Paige, computer forensics specialists and others. This request is made pursuant to 18 U.S.C. 3006A(d)(4)(A) and 18 U.S.C. 3006A(e)(4). Please keep me updated as vouchers are submitted and as you notify the Court to make determinations as to what information will be provided to me pursuant to this request and pursuant to the applicable authority outlined in this letter.

I am a member of the public making a request for information that is to be made public record pursuant to the applicable authority outlined in this letter. Therefore, it is your duty, as the individual assigned to handle such requests, to comply with my request. This letter shall act as my exhaustion of administrative remedies (though typically not required) that may be a prerequisite to a 42 U.S.C. 1983 civil action, in the nature of mandamus, with jurisdiction held in federal court pursuant to 28 U.S.C. 1361 which states:

"The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."

I appreciate your assistance with the matters outlined in this letter. I look forward to receiving a response.

///

April 21, 2009
Daniel Rigmaiden
RE: CR08-814-PHX-DGC
Page # 3 of 3

Sincerely,

Daniel Rigmaiden

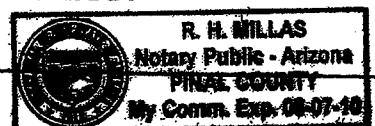
Daniel Rigmaiden
Author

State of Arizona)
County of Pinal) ss.

ACKNOWLEDGMENT

On this 23rd day of April, 2009, before
me, the undersigned Notary Public, personally appeared,
Daniel Rigmaiden AKA Steven Brown
to me known to be the individual described in and who executed
the foregoing instrument and acknowledged that he executed the
same for the purposes therein contained.

My Commission Expires:



Notary Public

EXHIBIT [04]
United States v. Rigmaiden
08CR814

June 10, 2009
Daniel Rigmaiden
RE: CR08-814-PHX-DGC
Page # 1 of 2

Daniel Rigmaiden
Aka: Steven Brawner
Agency # 10966111
CCA-CADC
PO Box 6300
Florence, AZ 85232

Clerk, U.S. District Court
Attn.: Roger A. Schroeder, CJA Administrator
401 W. Washington St., SPC-1
Phoenix, AZ 85003

Roger A. Schroeder:

In my letter dated April 21, 2009, I asked that you please keep me updated with information regarding the payment vouchers that have been submitted under my case number (I am entitled to this information pursuant to the Criminal Justice Act).

I have not received any response letters from you. Please respond to my last letter, wherein I clarified the law for you, and also send me an update on the payment vouchers, if any, that have been submitted. If no payment vouchers have been submitted then please indicate that in your response letter. If I do not receive a response from you within 30 days then I will assume that you are refusing to comply with my request and that you are refusing to fulfill your obligations as a CJA administrator.

Please be aware that I was erroneously arrested and booked under the name "Steven Brawner." CCA-CADC refuses to recognize me under my true name, Daniel Rigmaiden, and often times letters sent to my true name get returned. Considering that, all letters sent to me need to be addressed as follows:

Steven Brawner
Agency # 10966111
CCA-CADC
PO Box 6300
Florence, AZ 85232

I appreciate your assistance with the matters outlined in this letter. I look forward to receiving a response.

///
///
///
///
///
///

June 10, 2009

Daniel Rigmaiden

RE: Request for information CJA panel complaints

Page # 2 of 2

Sincerely,

Daniel Rigmaiden

Daniel Rigmaiden
Author

State of ARIZONA)
County of GILA) ss.

ACKNOWLEDGMENT

On this 9 day of June, 2009, before
me, the undersigned Notary Public, personally appeared,

DANIEL RIGMAIDEN AKA Steven Brewster
to me known to be the individual described in and who executed
the foregoing instrument and acknowledged that he executed the
same for the purposes therein contained.

My Commission Expires: 10-4-2010

Daniel Rigmaiden
Notary Public

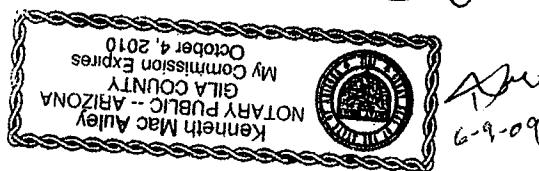


EXHIBIT [05]
United States v. Rigmaiden
08CR814

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

OFFICE OF THE CLERK

RICHARD H. WEARE

DISTRICT COURT EXECUTIVE / CLERK OF COURT
SANDRA DAY O'CONNOR U. S. COURTHOUSE,
SUITE 130
401 WEST WASHINGTON STREET, SPC 1
PHOENIX, ARIZONA 85003-2118

Visit our website at www.azd.uscourts.gov

RONNIE HONEY

CHIEF DEPUTY CLERK
SANDRA DAY O'CONNOR U. S. COURTHOUSE,
SUITE 130
401 WEST WASHINGTON STREET, SPC 1
PHOENIX, ARIZONA 85003-2118

MICHAEL S. O'BRIEN

CHIEF DEPUTY CLERK
EVO A. DECONCINI U.S. COURTHOUSE
405 W. CONGRESS, SUITE 1500
TUCSON, ARIZONA 85701-5010

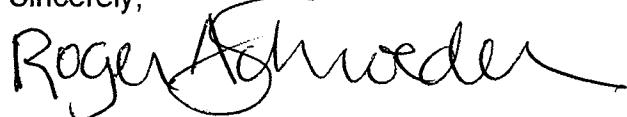
June 24, 2009

Daniel Rigmaiden
A.K.A. Steven Brawner
Agency # 10966111
CCA-CADC
P. O. Box 6300
Florence, AZ 85232

Dear Mr. Rigmaiden:

I have been directed by Judge Campbell to inform you that the information you seek regarding disclosure of vouchers should be addressed to the Court, rather than the CJA Voucher Review Unit. Please file a motion for the release of payment information with the Court.

Sincerely,



Roger A. Schroeder
CJA Administrator

DOCUMENT [02]

**PHILIP A. SEPLOW
ATTORNEY AT LAW**

2000 NORTH 7TH STREET
PHOENIX, ARIZONA 85006

(602) 254-8817
FAX (602) 254-0271

MEMBER ARIZONA & CALIFORNIA BARS

September 25, 2009

Mr. Steven Travis Brawner
Reg# 10966111
CCA
P O Box 6300
Florence AZ 85132-6300

RE: United States of America vs. Daniel Rigmaiden
Case No. CR 08-814-PHX-DGC

Dear Daniel:

INCARCERATED DETAINEE REDACTS WITH MAGAZINE
SCRAPS

Mr. Steven Travis Brawner
September 24, 2009
Page TWO

Sincerely yours,


Philip A. Seplow

INCARCERATED DETAINEE REDACTS WITH MAGAZINE SCRAPS

Sonia
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HARD LACAYO

Supreme
t Myths
ARD LAZARUS
Coming Showdown
Affirmative Action
ISTOPHER CALDWELL

Mr. Steven Travis Brawner
September 24, 2009
Page THREE

INCARCERATED DETAINEE REDACTS WITH MAGAZINE
SCRAPS

PPPS - While writing this letter the Court called. The Court will not be considering your motion for copies of any billing statements. The Court also reminded me that on June 26, 2009, via document number 111 in this case, that it was ordered that the Court will not consider any motions that are not filed by your attorney and that you were directed to cease and desist filing any *pro se* motions.